

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-4314 of the Code of Virginia, relating to agricultural and forestal*
3 *districts.*

4
5 Approved

[H 418]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 15.2-4314 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-4314. Withdrawal of land from a district; termination of a district.

9 A. At any time after the creation of a district within any locality, any owner of land lying in such
10 district may file with the locality a written request to withdraw all or part of his land from the district
11 for good and reasonable cause. The local governing body shall refer the request to the local planning
12 commission and the advisory committee for their recommendations and shall hold a public hearing.
13 Land proposed to be withdrawn may be reevaluated through the Virginia or local Land Evaluation and
14 Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied
15 favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit
16 court serving the territory wherein the district is located. This section shall in no way affect the ability
17 of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to
18 clause (v) of subdivision 1 of § 15.2-4307 or § 15.2-4311.

19 B. Upon termination of a district or withdrawal or removal of any land from a district created
20 pursuant to this chapter, land that is no longer part of a district shall be subject to *and liable for*
21 roll-back taxes as are provided in § 58.1-3237. *Sale or gift of a portion of land in a district to a*
22 *member of the immediate family as defined in § 15.2-2244 shall not in and of itself constitute a*
23 *withdrawal or removal of any of the land from a district.*

24 C. Upon termination of a district or upon withdrawal or removal of any land from a district, land
25 that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the
26 provisions of subsection B of § 15.2-4312.

27 D. Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal
28 representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter
29 of right, be entitled to withdraw such land from such district upon the inheritance or descent of such
30 land provided that such heir at law, devisee, surviving cotenant or personal representative files written
31 notice of withdrawal with the local governing body and the local commissioner of the revenue within
32 two years of the date of death of the owner.

33 E. Upon termination or modification of a district, or upon withdrawal or removal of any parcel of
34 land from a district, the local governing body shall submit a copy of the ordinance or notice of
35 withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of
36 Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete
37 the identification of such parcel from the land book and the tax map, and the local governing body shall
38 delete the identification of such parcel from the zoning map, where applicable.

39 F. The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in
40 itself serve to terminate the existence of the district. The district shall continue in effect and be subject
41 to review as to whether it should be terminated, modified or continued pursuant to § 15.2-4311 of this
42 chapter.

ENROLLED

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